

DRAFT 3-5-12.5

WYOMING GAME AND FISH COMMISSION

CHAPTER 21

GRAY WOLF MANAGEMENT

~~WOLVES DESIGNATED AS TROPHY GAME ANIMALS~~

Section 1. Authority. This regulation is promulgated by authority of W.S. §23-1-101, §23-1-102, §23-1-108, §23-1-302, §23-1-304, §23-1-901 and §23-3-115.

Section 2. Regulation. ~~The Wyoming Game and Fish Commission adopts~~adopts the following regulation for the management of gray wolves in Wyoming. The Commission has management authority for gray wolves in those areas of the state where wolves are designated as trophy game animals as defined in Section 4(a) excluding gray wolves present on the National Elk Refuge and on lands administered by the National Park Service within Grand Teton National Park. The Commission does not have management authority nor do these regulations apply to Yellowstone National Park or Tribal lands within the Wind River Reservation. Wolves present within all lands outside of Yellowstone National Park and the Wind River Reservation will be counted towards the Commission management objectives listed in Section 4(a). This regulation ~~will~~shall go into effect from and after the date gray wolves are removed from the federal list of experimental nonessential populations, endangered species or threatened species in Wyoming. This regulation shall remain in effect until modified or repealed by the Commission.

Section 3. Definitions. For the purpose of this regulation, definitions shall be as set forth in Title 23, Wyoming Statutes; and the Commission ~~shall~~also adopts the following definitions:

(a) “Breeding pair” means an adult male and an adult female gray wolf raising at least two (2) pups of the year until December 31.

(~~ab~~) “Chronic wolf predation area” means a limited geographic or legally described area ~~limited to a specific parcel of private land or a specific grazing allotment described on the permit within the Wolf Trophy Game Management Area, or Seasonal Wolf Trophy Game Management Area from October 15 through the last day of February in the subsequent year,~~ where the Department or its authorized agent has verified that gray wolves have repeatedly (twice or more within a two (2) month period immediately preceding the date on which the owner applies for a lethal take permit) harassed, injured, maimed or killed livestock or domesticated animals.

(c) “Designee” means any person(s) listed on a Lethal Take Permit in addition to the Lethal Take Permit holder as defined in this subsection who is authorized to take gray wolves under terms and conditions designated on the Lethal Take Permit.

(~~b~~) “Doing damage to private property” means the actual biting, wounding, grasping, or killing of livestock or domesticated animals, or chasing, molesting, or harassing by gray wolves that would indicate to a reasonable person that such biting, wounding, grasping, or killing of livestock or domesticated animals is likely to occur at any moment.

(~~ed~~) “Domesticated animals” means those individual animals which have been made tractable (easily managed or controlled) or tame and are not defined as wildlife. For the purpose of this regulation, only the following animals are considered domesticated:

Domesticated alpaca (*Lama pacos*), domesticated camel (*Camelus bactrianus* and *Camelus dromedarius*), domesticated emu (*Dromaius novaehollandiae*), domesticated ostrich (*Struthio camelus*), domesticated peafowl (*Pavo cristatus*), domesticated rhea (*Rhea americana* and *Rhea pennata*), domesticated vicuna (*Vicugna vicugna*), domesticated yak (*Bos grunniens*) and domesticated dogs (*Canis familiaris*) ~~not used in the protection of livestock.~~

(~~de~~) “Immediate family” means the owner’s spouse, parents, grandparents or lineal descendants and their spouses.

(~~ef~~) “Lethal Take Permit” means a permit issued by the Department to an owner to ~~kill~~^{shoot} not more than two (2) gray wolves on ~~limited geographic or legally described areas~~^{individual parcels of private land or grazing allotments as} ~~and under terms and conditions~~ designated on the permit, ~~for a period not to exceed December 31 of the year the permit was issued.~~

(g) “Lethal Take Permit holder” means the person to whom a Lethal Take Permit is issued.

(h) “Livestock” means horses, mules and asses, rabbits, llamas, cattle, swine, sheep, goats, poultry, or other animal generally used for food or in the production of food or fiber and guard animals actively engaged in the protection of livestock. Bison are considered livestock unless otherwise designated by the Wyoming Livestock Board and the Commission.

(f) “National Parks” means Yellowstone National Park, Grand Teton National Park and the John D. Rockefeller, Jr. Memorial Parkway.

(~~gi~~) “Owner” means the owner, lessee, immediate family, employee, or other person who is charged by the owner with the care or management of livestock or domesticated animals.

(j) “Seasonal Wolf Trophy Game Management Area” (Seasonal WTGMA) means all lands where wolves will be considered trophy game animals from October 15 to the last day of February in the subsequent year, within the following described area: beginning at the Wolf Trophy Game Management Area boundary, as described in subsection (n) of this Section, where the Bridger-Teton National Forest boundary intersects U.S. Highway 189-191 at Hoback Rim; westerly and then southerly along said forest boundary to its intersection with McDougal Gap Road (U.S.F.S. Road 10125); westerly along said road to Grey’s River Road (U.S.F.S. Road 10138); southerly along said road to Sheep Creek; westerly down said creek to Grey’s River; southwesterly up said river to Bear Creek; southwesterly up said creek to the hydrographic divide between Bear Creek and Willow Creek; west from said divide to Willow Creek Road (U.S.F.S. Road 10080); northwesterly along said road to Lincoln County Road 123; southerly along said road to Grover Park Road (U.S.F.S. Road 10081); southerly then westerly along said road to Lincoln County Road 172; westerly along said road to the junction with Wyoming Highway 237; westerly along said highway to Wyoming Highway 238; southerly along said highway to Lincoln County Road 134; westerly along said road to the Wyoming-Idaho state line; north along said state line to Wyoming Highway 22 where the Seasonal Wolf Trophy Game Management Area boundary will rejoin the Wolf Trophy Game Management Area boundary.

(k) “Site of kill” means the location where the gray wolf died.

(~~hl~~) “Unacceptable impact on a wild ungulate population or herd” means any decline in a wild ungulate population or herd that results in the population or herd not meeting the ~~State Commission~~ population management goals, ~~objectives~~ or recruitment levels established for the population or herd. The Department shall determine whether a decline in a wild ungulate population or herd constitutes an “unacceptable impact” **and whether wolf predation is a significant factor causing the “unacceptable impact”** based upon the best scientific data and information available.

(im) “Wild ungulate population or herd” means an assemblage of wild ungulates of the same species living in a specific geographic area.

(jn) “Wolf Trophy Game Management Area” (WTGMA) means ~~all~~ lands where gray wolves shall be considered trophy game animals on a year-round basis described as northwest Wyoming beginning at the junction of Wyoming Highway 120 and the Wyoming-Montana state line; southerly along said highway to the Greybull River; southwesterly up said river to the Wood River; southwesterly up said river to the Shoshone National Forest boundary; southerly along said boundary to the Wind River ~~Indian~~ Reservation boundary; westerly, then southerly along said boundary to the Continental Divide; southeasterly along said divide to the Middle Fork of Boulder Creek; westerly down said creek to Boulder Creek; westerly down said creek to the Bridger-Teton National Forest boundary; northwesterly along said boundary to its intersection with U.S. Highway 189-191; northwesterly along said highway to the intersection with U.S. Highway 26-89-191; northerly along said highway to Wyoming Highway 22 in the town of Jackson; westerly along said highway to the Wyoming-Idaho state line; north along said state line to the southern boundary of Yellowstone National Park; east and north along said boundary to the Wyoming-Montana state line; ~~north~~, then east along said state line to Wyoming Highway 120.

Section 4. Gray Wolves Designated as Trophy Game Animals or Predatory Animals.

(a) ~~Gray wolves found in~~ that portion of Wyoming described as the WTGMA during all portions of the year and Seasonal WTGMA from October 15 to the last day of February in the subsequent year are hereby designated as trophy game animals and managed under the authority of the Wyoming Game and Fish Commission.

~~(aj) The Commission shall manage for at least fifteen (15) breeding pairs of gray wolves and a total (comprising of at least one hundred (100) individual gray wolves) within the WTGMA, with at least seven (7) of those breeding pairs in Wyoming the WTGMA located primarily outside of Yellowstone the National Parks and the Wind River Reservation at the end of the current calendar year. The Department shall make management decisions based on the most current available data and in an adaptive manner that will ensure the maintenance of at least ten (10) breeding pairs of gray wolves and a total of at least one hundred (100) individual gray wolves.~~

(ii) The Commission is committed to managing gray wolves in Wyoming to ensure genetic diversity and connectivity issues do not threaten the population. This commitment will be accomplished by encouraging effective migrants into the population in accordance with the Commission’s Wolf Management Plan.

(b) Gray wolves in Wyoming are designated as predatory animals as defined in W.S. §23-1-101(a)(viii) except for:

(i) Those areas where gray wolves are designated as trophy game animals in subsection (a) of this Section; and,

(ii) Yellowstone National Park; and,

(iii) The Wind River Reservation, except on non-Indian owned fee titled lands.

Section 5. Monitoring Gray Wolves.

~~(b) If the Commission determines that there are less than eight (8) breeding pairs located inside of the National Parks for two (2) consecutive years, then the Department shall manage for a sufficient number of breeding pairs and wolves in the area of the WTGMA located outside of the National Parks to achieve the management objectives described in Section 4(a).~~

~~_____ (c) The Commission shall not diminish the area of the WTGMA as defined in Section 3(j) unless, based upon the best scientific data and information available, the Commission determines that diminishing the area for the WTGMA will not prevent the Commission from achieving the management objectives described in Section 4(a).~~

~~Section 5. Gray Wolves Designated as Predatory Animals. Gray wolves in Wyoming, excluding gray wolves located inside the WTGMA as set forth in this regulation, are hereby designated as predatory animals. Gray wolves taken within the area where gray wolves are classified as predatory animals shall be reported by the person taking any gray wolf to a district game warden, district wildlife biologist or Department personnel at a Game and Fish Regional Office within ten (10) days of take. The person taking a gray wolf shall provide the sex, the location of the site of kill (identified by the section, township, range or UTM coordinates), the name and address of the person taking the gray wolf, and date of kill.~~

~~**Section 6. Monitoring Gray Wolves.** To the extent practicable,~~

~~(a) †The Commission is committed to managing gray wolves in Wyoming to ensureso that genetic diversity and connectivity issues do not threaten the gray wolf population. †This commitment will be accomplished by encouraging the incorporation of effective migrants into the gray wolf population. The Department will request voluntary submission of genetic samples from gray wolves killed as predatory animals and Conservation measures will collect and analyze genetic samples from live gray wolves handled by the Department or killed through sport hunting as trophy game animals, during agency control actions, for protection of private property and gray wolves that die from any include, but are not limited to, working with other form of mortality to monitor genetic connectivity. The Department will enterStates to promote natural dispersal into a memorandum of understanding with the states of Montana and Idaho to coordinate management actions that facilitate genetic connectivity, and within the WTGMA and, if necessary, by relocation or translocation.~~

~~(b) The Department shall institute and maintain a gray wolf population-monitoring program. Tracking devices Global Positioning System or VHF radio tracking collars may be placed on gray wolves handled by the Department in areas of the state where gray wolves are designated as trophy game animals during population monitoring, conflict resolution or nuisance-management activities or any non-lethal control actions to accurately determine the population and movements ofwhere gray wolves, are captured or handled by the Department. The Department may enter into memoranda of understanding with other state or federal agencies to monitor gray wolf population levels and movements. Any person taking a gray wolf in the state of Wyoming wearing a radio-tracking device (including, but not limited to an electronic collar or ear tag) shall surrender the device to the Department within reporting dates for taking gray wolves as set forth in this regulation.~~

~~**Section 7. Lethal Control of Gray Wolves Designated as in the Wolf Trophy Game Animals.** Management Area. The Department may utilize aggressive management techniques to protect private property, including livestock and domesticated animals within the WTGMA.~~

~~(a) Any gray wolf in the act of doing damage to private property may be immediately taken and killed by the owner as provided in Wyoming Statute W.S. §23-3-115(c). The carcass of a gray wolf shall not be removed from the site of kill and the area around the carcass shall not be disturbed until investigated by the Department. The owner shall notify a district game warden, district wildlife biologist or Department personnel at a Game and Fish Department Regional Office within seventy-two (72) hours of the take/kill. The owner shall provide the location of the site of kill (identified by the section, township and range, or UTM coordinates), the name and address of the person taking the gray wolf, and the date of kill. To possess a gray wolf taken under this Section the owner shall procure a Wyoming Interstate Game Tag.~~

~~(b) Upon discovery that a gray wolf or wolves are have -harassinged, injuringed, maiminged or killinged livestock or domesticated animals, or are occupying a chronic wolf predation area, the owner~~

may notify the Department. Upon verification by the Department or personnel from other agencies operating under the authority of a signed memorandum of understanding with the Commission and upon request of the owner, the Department ~~shall~~:

(i) ~~Shall~~ Issue a gray wolf ~~H~~lethal ~~f~~Take ~~p~~Permit to the owner if the conditions in Section 7(a) are met; and,

(ii) May ~~A~~authorize ~~Department~~ USDA APHIS Wildlife Services personnel or its agent(s) in accordance with the provisions of a signed memorandum of understanding with the Commission to remove the offending gray wolf or wolves; ~~or,~~

~~(iii) Authorize Department personnel to lethally remove the offending gray wolf or wolves.~~

(c) Gray wolves may be lethally removed when the Department determines that gray wolf predation is causing ~~having~~ an unacceptable impact on a wild ungulate population or herd or when gray wolf-wild ungulate conflict has occurred ~~is occurring~~ at any State operated elk feedground.

(i) A gray wolf-wild ungulate conflict has occurred at a state operated elk feedground when a gray wolf or wolves displace elk from a feedground and it results in one of the following conflicts:

(A) Damage to private stored crops by displaced elk; or,

(B) Elk co-mingling with domestic livestock; or,

(C) Displacement of elk from a feedground onto a highway right of way causing human safety concerns.

(d) The provisions of subsections (b) and (c) of this ~~s~~Section shall not apply if the lethal removal of gray wolves may prevent the Department from achieving the management objectives described in Section 4(a)(i). ÷

~~_____ (i) May prevent the Department from achieving the management objectives described in Section 4(a); or~~

~~_____ (ii) May result in the re-listing of gray wolves under the Endangered Species Act.~~

Section 87. Issuance of a Lethal Take Permit for Gray Wolves Designated as Trophy Game Animals.

(a) A Lethal Take Permit shall only be issued by the Department if legal removal of gray wolves will not prevent the Department from achieving the management objective described in Section 4(a)(i). when there are:

(i) At least fifteen (15) breeding pairs (comprising of at least 150 gray wolves) in the WTGMA; and

(ii) At least seven (7) breeding pairs of gray wolves inside the WTGMA located primarily outside of the National Parks.

(b) If the requirements of Section 6(b) and Section 87(a) are met ~~satisfied~~, the Department shall issue Lethal Take Permits when requested by an owner, ~~in the WTGMA and upon verification by~~

Department personnel, or personnel from USDA-APHIS Wildlife Services operating under authority of an approved memorandum of understanding, when gray wolf predation upon livestock or domesticated animals has occurred, or for the take of gray wolves in a chronic wolf predation area.

(i**b**) Lethal Take Permits shall only allow for the take of gray wolves by the use of ~~legal~~ firearms. ~~Lethal Take Permits shall not allow the take of gray wolves from aircraft.~~

(i**e**) One (1) Lethal Take Permits shall be issued for not more than two (2) gray wolves per specified limited geographic or legally described area ~~for the specific private land parcel or specific grazing allotment as designated on the permit, and shall state the name, address and phone number of the Lethal Take Permit holder, a list of designees, permittee, other authorized persons, and be signed by the Lethal Take Permit holder, permittee and a Department representative. The Lethal Take Permit shall specify the limited geographic or legally described area where the permit is valid.~~

(i**ii**) The issuance of Lethal Take Permits shall be immediately suspended or cancelled if the Department determines that further lethal control may prevent the Department from achieving the management objectives described in Section 4(a)(i). Any existing Lethal Take Permits shall be immediately cancelled if the Department determines that further lethal control may prevent the Department from achieving the management objectives described in Section 4(a)(i).

~~(i) May prevent the Department from achieving the management objectives described in Section 4(a); or~~

~~(ii) May result in the re-listing of gray wolves under the Endangered Species Act.~~

(i**v**) Notification of suspension or cancellation of Lethal Take Permits shall be provided via personal notification, certified return receipt first-class mail, ~~or by telephone or facsimile to all current Lethal Take Permit holders.~~ ~~permittees.~~

(i**e**) The Lethal Take Permit holder ~~permittee~~, or designee ~~other authorized persons~~ listed on the permit shall notify a Department representative (s)-named on the Lethal Take Permit within twenty-four (24) hours as soon as practicable possible (not to exceed 24 hours) either by personal contact, ~~or~~ or phone contact of the take of a gray wolf under the authority of a Lethal Take Permit.

(i**vi**) Failure by the Lethal Take Permit holder ~~permittee~~, or designee ~~other authorized persons~~ listed on the permit to abide by all provisions and conditions stipulated in this ~~s~~Section shall be cause for the Department to cancel the permit.

(i**vii**) Lethal Take Permits shall expire forty-five (45) days after ~~on December 31 of the date they are~~ ~~year~~ issued, unless the permit is ~~canceled~~ cancelled in accordance with the other provisions of this ~~s~~Section. Lethal Take Permits may be renewable in forty-five (45) day intervals for as long as conditions as set forth in Section 6(b) and Section 7(a) continue.

(i**viii**) Lethal Take Permits shall not be issued for gray wolves designated outside the geographic area defined as the WTGMA. Gray wolves, which are classified as predatory animals as set forth in Section 4(b). Gray wolves designated as predatory animals may ~~can~~ be taken without a license in any legal manner and at any time as provided by W.S. §23-2-303(d), §23-3-103(a), §23-3-112, §23-3-304(b), §23-3-305 and §23-3-307.

(ix) To possess a gray wolf taken under a Lethal Take Permit the Lethal Take Permit holder or designee shall procure a Wyoming Interstate Game Tag.

Section 98. Non-lethal Control of Gray Wolves ~~Designated as in the Wolf Trophy Game Animals Management Area.~~

(a) Non-lethal control of gray wolves shall be initiated when deemed appropriate by the ~~Department~~ or when requested by the owner, but may be discontinued at the discretion of, and upon determination by the Department that lethal control is necessary to mitigate continued harassment, injury, maiming or killing of livestock or domesticated animals.

(b) Non-lethal control actions shall be initiated if further lethal ~~control~~ control may prevent the Department from achieving the management objectives described in Section 4(a)(i).

(i) May prevent the Department from achieving the management objectives described in Section 4(a); or

(ii) May result in the re-listing of gray wolves under the Endangered Species Act.

Section 109. Savings Clause. If any provision of this regulation shall be held to be illegal or unconstitutional, such a ruling shall not affect other provisions of this regulation which that can be given effect without the illegal or unconstitutional provision; and, to this end, the provisions of this regulation ~~are~~ shall be severable.

WYOMING GAME AND FISH COMMISSION

By: _____
XXFred Lindzey, President

Dated: ~~January 29, 2009~~ April 26, 2012